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SERVICE DATE – JULY 13, 2005

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-976X**

**Pittsburg & Shawmut Railroad, LLC Abandonment Exemption in Armstrong and Jefferson Counties, PA**

**BACKGROUND**

In this proceeding, the Pittsburg & Shawmut Railroad, LLC (PSR) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903.<sup>1</sup> PSR seeks to abandon an approximately 40-mile line of railroad in Armstrong and Jefferson Counties, Pennsylvania. The line extends from milepost 22.0 south of Brookville to milepost 62.0 in Mahoning. A map depicting the rail line in relationship to the area served is appended to the report. If the petition becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to PSR, the Pittsburg & Shawmut Railroad Company (PSRC) constructed the line in the early 1900s. The PSRC continuously operated the line from approximately 1908 to 1996, when the Pittsburg & Shawmut Railroad, Inc. (PSRR) acquired the line. In December 2003, PSRR was merged into the Buffalo & Pittsburgh Railroad, Inc. (BPRR),<sup>2</sup> and BPRR succeeded to operating authority. Immediately following the merger, the physical assets comprising the line were transferred to PSR, a newly formed and wholly-owned subsidiary of BPRR.

PSR states that the line runs through a rural area that consists primarily of woodlands and farmlands, and the width of the right-of-way ranges from 100 feet to 2,000 feet. The last customer

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<sup>1</sup> PSR has requested expedited handling of its petition.

<sup>2</sup> In a separate proceeding, BPRR filed a notice of exemption seeking to discontinue service over the line on June 9, 2005. See Buffalo & Pittsburgh Railroad, Inc. – Discontinuance of Service Exemption - in Armstrong and Jefferson Counties, PA, STB Docket No. AB-369 (Sub-No. 5X).

on the line was Doverspike Brothers Coal Company. However, according to PSR, there has been no traffic on the line since September 1999.

There are 22 bridges on the line that are 50 years old or older, and these bridges range from 21.17 feet to 1,470 feet in length. In addition, there are 18 arches, 4 tunnels, and 1 stone box on the line that are 50 years old or older. According to PSR, these structures were generally built in the early 1900s, when the line was constructed. Upon receiving authority to abandon the line, PSR intends to salvage the track between milepost 24.0 and, approximately, milepost 56.0. At this time, PSR plans to retain the track between milepost 22.0 and milepost 24.0, as well as the track between milepost 56.0 and milepost 62.0, for operation as private sidetracks or spurs. PSR has no immediate plans to remove the structures on the line, but as a temporary safety measure, the railroad plans to barricade the structures.

### **ENVIRONMENTAL REVIEW**

PSR submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. PSR served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. SEA has reviewed and investigated the record in this proceeding.

As stated above, no local traffic has moved over the line for at least two years. Accordingly, the railroad states that the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

The National Geodetic Survey (NGS) has submitted comments stating that one geodetic station marker has been identified that may be affected by the proposed abandonment and requests 90 days notification in advance of any activities that will disturb or destroy these markers in order to plan for its relocation. Accordingly, we will recommend that PSR notify NGS 90 days prior to beginning salvage activities to plan for the possible relocation of the station marker by NGS.

The U.S. Fish and Wildlife Service, Pennsylvania Field Office has reviewed the proposed abandonment and submitted comments. With the exception of the occasional transient species, no federally listed or proposed threatened or endangered species are known to occur within the proposed project's impact area. Accordingly, no biological assessment is necessary and no mitigation measures are recommended.

The Pennsylvania Fish & Boat Commission submitted a comment stating that it has no reason to expect conflicts with any of its programs as a result of the proposed abandonment. The agency did recommend that any waterway disturbances, such as bridge demolition, be coordinated with Pennsylvania's Department of Environmental Protection (DEP). However, as stated above, the railroad has no plans to remove the bridges on the line. The DEP's comments are addressed below.

The DEP's Southwest Regional Office has expressed concerns regarding environmental cleanup; soils and waterways; and water supply management. Therefore, to address the concerns of the DEP, SEA will recommend that, prior to the commencement of any salvage activities, PSR contact the DEP at (412) 442-4189, concerning potential site contamination and environmental protection liability; storage tank removal; maintenance of water obstructions; and mitigation practices to avoid possible impacts to downstream public water supplies.

The Pennsylvania Coastal Zone Management Program has determined that the proposed abandonment activities would be located outside of Pennsylvania's coastal zones. Accordingly, no mitigation measures were recommended.

The United States Army Corps of Engineers (Corps) had not commented on the railroad's environmental report at the time this Environmental Assessment was prepared. The railroad has no plans to remove the bridges or other structures on the line at this time. Therefore, we have concluded that the proposed abandonment, as outlined by PSR, would not involve the discharge of fill material in waters of the United States. However, the Corps' Pittsburgh District and the Corps' Baltimore District have been added to the service list.

According to PSR, there are no known hazardous waste sites or hazardous material spills on the subject right-of-way. In addition, PSR is not aware of any wildlife sanctuaries or refuges, or of any National or state parks or forests, that would be affected by the proposed abandonment.

The Pennsylvania Department of Conservation and Natural Resources (DCNR) submitted comments stating that there are no environmental concerns because the line does not appear to cross any state park land. However, the DCNR states that there is strong local interest in converting this right-of-way to a trail. Armstrong County's Department of Planning and Development has expressed interest in converting the line to a trail. An explanation of recreational trail use is below.

### **The National Trails System Act and the Board's Environmental Review**

The National Trails System Act (Trails Act), 16 U.S.C. 1247(d), gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad right-of-way

that otherwise would be abandoned. The Trails Act is intended to preserve railroad rights-of-way for future railroad use.

Under the Trails Act and the Board's implementing procedures (49 CFR 1152.29), a state or local government or private organization can request a trail condition (known as a Notice of Interim Trails Use (NITU)) to begin the trail use process on a line approved for abandonment if the trail sponsor agrees to railbanking and provides a statement of willingness to assume responsibility for managing the right-of-way, for any legal liability arising out of its use, and for the payment of taxes. If the railroad agrees to negotiate, and no offer of financial assistance to continue rail freight service on the line is received, the Board imposes a NITU, which gives the rail sponsor time to negotiate an agreement with the railroad for interim trail use/railbanking. The Board has no involvement in the negotiations and does not analyze, approve, or set the terms of trail use agreements. The Board is not authorized to regulate activities over the actual trail. In short, the Board's jurisdiction under the Trails Act is ministerial.

The Board does not conduct an environmental review of a potential conversion to interim rail use/railbanking because it does not exercise sufficient Federal control so as to qualify as a major Federal action under NEPA. Only major actions by Federal agencies require environmental review. See 49 CFR 1105.5.

## **HISTORIC REVIEW**

PSR submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Pennsylvania Historical and Museum Commission (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has requested additional information regarding the proposed project, and at the time this environmental assessment was prepared, the SHPO had not completed its assessment of the proposed abandonment. Pending completion of the SHPO's review, we recommend a condition to ensure compliance with the Section 106 process of the NHPA.

## **CONDITIONS**

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. PSR shall notify the National Geodetic Survey (NGS) 90 days prior to beginning salvage activities to plan for the possible relocation of the geodetic station marker by NGS.
2. PSR shall contact the Pennsylvania Department of Environmental Protection, Southwest Regional Office at (412) 442-4189, concerning potential site contamination

and environmental protection liability; storage tank removal; maintenance of water obstructions; and mitigation practices to avoid possible impacts to downstream public water supplies. PSR shall submit the results of this consultation to the Section of Environmental Analysis.

3. PSR shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or

mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

**COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the **AE-FILING@** link. **Please refer to Docket No. AB-976X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Christa Dean, the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at [deanc@stb.dot.gov](mailto:deanc@stb.dot.gov).

Date made available to the public: July 13, 2005.

**Comment due date: August 12, 2005.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment